

REMARKS

Claims 1-14 and 25-38 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102/103

Claims 1-14 and 25-38 stand rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Schmid et al. (U.S. Pat. No. 6,495,278 B1, hereinafter "Schmid"). This rejection is respectfully traversed.

The present Office Action indicates that Schmid "does disclose the sealing layer being adhered to the land portions of the plate including flow channels. Specifically, (Figure 5a) illustrates seals around the fluid manifold openings 30 (the Examiner considers 30 a flow channel)." Applicant submits that although the Examiner points to a seal adhered to the separator plates around the fluid manifold opening 30, there is no teaching or suggestion in the Schmid reference of the sealing layer adhered to the land portions between adjacent flow channels to secure direct contact between the diffusion media and the plate. In Schmid, the adhesive bonding agent 50, considered the sealing layer by the Examiner, is not adhered to the land portion of the plate between adjacent grooves 20 or 21. Rather, Schmid merely states that "[an] adhesive bonding agent 50 encapsulates the edge portion of the membrane 2 (Column 8, lines 63-64)."

Applicant's previously amended claim 1 recites "a plate having a first series of flow channels formed in a first surface and defining a first series of land portions

disposed between and separating adjacent flow channels” and “a first sealing layer adhered to said land portions.” Similarly, Applicant’s previously amended claim 25 recites “a cathode plate having a first series of cathode flow channels formed in a cathode surface and defining a first series of land portions disposed between and separating adjacent flow channels” and “a first sealing layer adhered to said land portions of said cathode surface.” Schmid merely illustrates a sealing layer adhered adjacent a flow field at a fluid manifold opening 30 and not an adhesive layer adhered to land portions between adjacent flow channels.

With regard to section (B) of the “Response to Arguments,” the arguments set forth in the previous response, as well as those contained herein, assert that there is no teaching of the claimed land portion, flow channel, diffusion media, and sealing layer arrangement. There is nothing improper in asserting the deficiency of a rejection. Rather, it is improper to form a rejection under either 35 U.S.C. § 102 or § 103 without some sort of teaching or suggestion of the claimed features. The Office Action merely states that the claimed arrangement is inherent in Figure 5a of Schmid. Applicant respectfully requests the Examiner to specifically point out where each of the claimed features is taught in Schmid if the present rejection is maintained.

Applicant respectfully submits that each of the elements of claims 1 and 25 are not properly taught or suggested by Schmid and that claims 1 and 25 are therefore in condition for allowance. Claims 2-14 depend from claim 1 and claims 26-38 depend from 25 and should therefore be in condition for allowance for the reasons set forth above. Therefore, reconsideration and withdrawal of the rejection of claims 1-14 and 25-38 are respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: February 7, 2008

Electronic Signature: /Ryan W. Massey/
Ryan W. Massey, Reg. No. 38,543

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

RWM/JMP/jd